

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Patrick Yu	Team: Squad #3	CCRB Case #: 201803477	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Tuesday, 04/24/2018 10:40 PM	Location of Incident: Ocean Avenue and Caton Avenue; 70 Lenox Road	Precinct: 70	18 Mo. SOL 10/24/2019	EO SOL 10/24/2019	
Date/Time CV Reported Thu, 05/03/2018 4:05 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Thu, 05/03/2018 4:05 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. DTS Bennett Shelley	5127	947489	SRG
2. POM John Antoniadès	19885	954495	SRG
3. SSA Robert Barnett	00157	918730	SRG

Officer(s)	Allegation	Investigator Recommendation
A.SSA Robert Barnett	Abuse: On Ocean Avenue and Caton Avenue, in Brooklyn, Sergeant Robert Barnett frisked § 87(2)(b)	§ 87(2)(g)
B.SSA Robert Barnett	Abuse: On Ocean Avenue and Caton Avenue, in Brooklyn, Sergeant Robert Barnett searched § 87(2)(b)	§ 87(2)(g)
C.POM John Antoniadès	Abuse: On Ocean Avenue and Caton Avenue, in Brooklyn, Police Officer John Antoniadès frisked an individual.	§ 87(2)(g)
D.POM John Antoniadès	Abuse: On Ocean Avenue and Caton Avenue, in Brooklyn, Police Officer John Antoniadès searched an individual.	§ 87(2)(g)
E.SSA Robert Barnett	Abuse: On Ocean Avenue and Caton Avenue, in Brooklyn, Sergeant Robert Barnett stopped § 87(2)(b)	§ 87(2)(g)
F.POM John Antoniadès	Abuse: On Ocean Avenue and Caton Avenue, in Brooklyn, Police Officer John Antoniadès stopped an individual.	§ 87(2)(g)
G.DTS Bennett Shelley	Abuse: On Ocean Avenue and Caton Avenue, in Brooklyn, Detective Bennett Shelley stopped § 87(2)(b)	§ 87(2)(g)
H.POM John Antoniadès	Force: At 70 Lenox Road, in Brooklyn, Police Officer John Antoniadès used physical force against § 87(2)(b)	§ 87(2)(g)
I.POM John Antoniadès	Abuse: At 70 Lenox Road, in Brooklyn, Police Officer John Antoniadès searched § 87(2)(b)	§ 87(2)(g)
J.DTS Bennett Shelley	Abuse: At 70 Lenox Road, in Brooklyn, Detective Bennett Shelley frisked § 87(2)(b)	§ 87(2)(g)
K.DTS Bennett Shelley	Abuse: At 70 Lenox Road, in Brooklyn, Detective Bennett Shelley searched § 87(2)(b)	§ 87(2)(g)
§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)

Officer(s)	Allegation	Investigator Recommendation
§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)

### Case Summary

On May 3, 2018, § 87(2)(b) filed this complaint online via the CCRB's website on behalf of § 87(2)(b) and two individuals.

On April 24, 2018, at approximately 10:40 p.m., § 87(2)(b) was walking with his friends, § 87(2)(b) and two other individuals in the vicinity of Ocean Avenue and Caton Avenue in Brooklyn. By the intersection, § 87(2)(b) separated from his friends. Det. Bennett Shelley of the Strategic Response Group Anti-Crime Unit approached § 87(2)(b) while Sgt. Robert Barnett and PO John Antoniades approached § 87(2)(b) and two unidentified civilians. One of the unidentified civilians fled once the officers approached them. During the interaction, Sgt. Barnett of the Strategic Response Group Anti-Crime Unit allegedly frisked and searched § 87(2)(b) (Allegation A: Abuse of Authority, § 87(2)(g); Allegation B: Abuse of Authority, § 87(2)(g)) while PO Antoniades of the Strategic Response Group Anti-Crime Unit (PO Antoniades has been promoted to Detective since the incident) allegedly frisked and searched § 87(2)(b) (Allegation C: Abuse of Authority, § 87(2)(g); Allegation D: Abuse of Authority, § 87(2)(g)). At this point, Sgt. Barnett stopped § 87(2)(b) and PO John Antoniades stopped the unidentified civilian (Allegation E: Abuse of Authority, § 87(2)(g); Allegation F: Abuse of Authority, § 87(2)(g)).

§ 87(2)(b) ran once Det. Shelley approached him and in response, Det. Shelley chased and stopped § 87(2)(b) (Allegation G: Abuse of Authority, § 87(2)(g)).

Sgt. Barnett, Det. Shelley, and PO Antoniades caught up to § 87(2)(b) in front of 70 Lenox Road and PO Antoniades took him to the ground (Allegation H: Force, § 87(2)(g)). PO Antoniades allegedly searched § 87(2)(b) (Allegation I: Abuse of Authority, § 87(2)(g)) and Det. Shelley frisked and searched § 87(2)(b) (Allegation J: Abuse of Authority, § 87(2)(g); Allegation K: Abuse of Authority, § 87(2)(g)). § 87(2)(b) § 87(2)(b) (Board Review 13).

§ 87(2)(g), § 87(4-b)

There is no video footage depicting the incidents.

### Findings and Recommendations

**Allegation (A) Abuse of Authority: On Ocean Avenue and Caton Avenue, in Brooklyn, Sergeant Robert Barnett frisked § 87(2)(b)**

**Allegation (B) Abuse of Authority: On Ocean Avenue and Caton Avenue, in Brooklyn, Sergeant Robert Barnett searched § 87(2)(b)**

**Allegation (C) Abuse of Authority: On Ocean Avenue and Caton Avenue, in Brooklyn, Police Officer John Antoniades frisked § 87(2)(b)**

**Allegation (D) Abuse of Authority: On Ocean Avenue and Caton Avenue, in Brooklyn, Police Officer John Antoniades searched § 87(2)(b)**

**Allegation (E) Abuse of Authority: On Ocean Avenue and Caton Avenue, in Brooklyn, Sergeant Robert Barnett stopped § 87(2)(b)**

**Allegation (F) Abuse of Authority: On Ocean Avenue and Caton Avenue, in Brooklyn, Police Officer John Antoniades stopped § 87(2)(b)**

In his CCRB testimony, § 87(2)(b) stated that he was walking on Caton Avenue towards Ocean Avenue with § 87(2)(b) and two of his friends when he noticed an unmarked police vehicle on the corner of Ocean Avenue and Caton Avenue (Board Review 01). In response, § 87(2)(b) began walking slowly because officers had harassed him in the past. § 87(2)(b)'s friends walked ahead and as they crossed the street an officer, identified via the investigation as Sgt. Barnett, approached § 87(2)(b) and patted his two front pockets. At this point, § 87(2)(b) turned away and did not see what else occurred between the officers and his friends.

In a phone statement, § 87(2)(b) stated that when Sgt. Barnett and PO Antoniades approached him and another friend (who § 87(2)(b) only knew as § 87(2)(b)), § 87(2)(b) and one other friend ran (Board Review 02). § 87(2)(b) stated that Sgt. Barnett and PO Antoniades frisked and searched him and § 87(2)(b) § 87(2)(b) did not cooperate with providing a sworn statement during the investigation.

Without additional identifying information, the investigation was unable to identify and contact the two other individuals who were with § 87(2)(b) and § 87(2)(b).

Det. Shelley has been assigned to Citywide Anti-Crime since 2015 and he was previously assigned to the 47th Precinct (Board Review 03). Det. Shelley stated that he has been involved in approximately 100 arrests regarding firearms, 25 of which were his own arrests. He has made an unknown number of arrests for firearms more than ten blocks away from the incident location. Sgt. Barnett has been assigned to Citywide Anti-Crime since 2015 and he made a firearm arrest near Ocean Avenue and Caton Avenue approximately one or two years prior to this incident (Board Review 04). PO Antoniades has been assigned to Citywide Anti-Crime for a couple weeks prior to April 24, 2018 and he was not familiar with Ocean Avenue and Caton Avenue (Board Review 05).

In his CCRB statement, Det. Shelley stated that they were sent to patrol the confines of the 67<sup>th</sup> Precinct and 70<sup>th</sup> Precinct on April 24, 2018 due to a spike in gang violence. Sgt. Barnett stated that they were targeting violent crimes on April 24, 2018 and he believed that there were possibly reports of shots fired/shot-spotters. PO Antoniades stated that on that day, they were targeting gun violence in the general area of the 67<sup>th</sup> Precinct. PO Antoniades did not recall which specific areas were mentioned.

While their unmarked police vehicle was stopped at a red light on Ocean Avenue and Caton Avenue, the three officers observed § 87(2)(b) and two males on the opposite corner as they were about to cross Ocean Avenue, towards their vehicle. Det. Shelley, Sgt. Barnett, and PO Antoniades did not observe any of the individuals committing any crimes or engaged in any criminal activities and they did not recognize any of the civilians.

Det. Shelley denied hearing the conversations between the four males and he did not hear them speaking loudly. Det. Shelley denied seeing any bulges on any of the males. As the four males were crossing the street, Det. Shelley made eye contact with one of the males and then all three males looked at § 87(2)(b). Det. Shelley, Sgt. Barnett, and PO Antoniades all stated that § 87(2)(b) subsequently turned around and walked behind a mailbox. Sgt. Barnett and PO Antoniades exited the vehicle to approach § 87(2)(b) and the other two males while Det. Shelley drove towards § 87(2)(b).

Sgt. Barnett initially observed the four males talking and laughing as they were crossing the street, but once they were closer to the police vehicle, they appeared to be nervous and serious. During the interview, Sgt. Barnett stated that in his experience, people who commit crimes pay more attention to officers. Sgt. Barnett decided to approach § 87(2)(b) and the two other males to see what was going on and to confirm whether they were with § 87(2)(b). There were no other reasons as to why he approached them. In their CCRB statements, Sgt. Barnett and PO Antoniades stated that that § 87(2)(b) and the other two males were not considered to be under arrest, had not committed any crimes at this point, and were free to leave. Sgt. Barnett did not recall if he or PO Antoniades ever informed them that they were free to leave. The three males did not make any movements as Sgt. Barnett and PO Antoniades approached them. § 87(2)(b) was cooperative during the incident and he did not run. Sgt. Barnett and PO Antoniades introduced themselves to § 87(2)(b) and the two males, and asked them what they were doing and where they were coming from. Sgt. Barnett stated that they did not say anything else because one of the three males immediately ran away from them. Sgt. Barnett and PO Antoniades did not chase after the male who ran. PO Antoniades stated that they did not chase after him because he was free to leave.

PO Antoniades stated that when Sgt. Barnett initially spoke with the males, they were calm. One of the individuals, said, "We were just smoking weed. We're not up to any trouble." PO Antoniades stated that this male was not considered to be under arrest and he did not say anything to the male in response to this statement because it was not a big deal to them since they did not observe them doing anything. PO Antoniades stated that he and Sgt. Barnett exited the vehicle to continue the conversation with the three individuals. After the third male ran away, PO Antoniades asked § 87(2)(b) and the remaining individual how their day was and § 87(2)(b) and the other male were polite and engaged in a normal conversation with the officers.

During his CCRB interview, Sgt. Barnett initially denied seeing any bulges on the males, but Sgt. Barnett later stated that he did not recall if he saw any bulges on § 87(2)(b). Sgt. Barnett was not sure whether § 87(2)(b) was armed and he did not recall if he frisked him. Sgt. Barnett stated that he would have frisked § 87(2)(b) if he believed he had a weapon on him. Sgt. Barnett denied searching § 87(2)(b). Sgt. Barnett did not recall if PO Antoniades frisked the other male and he denied seeing PO Antoniades search the other male.

PO Antoniades did not observe any bulges on § 87(2)(b) or the other male and he never suspected that they had any weapons. PO Antoniades did not recall frisking § 87(2)(b) or the other male and he did not recall if Sgt. Barnett did so. PO Antoniades denied searching § 87(2)(b) and the other male and he did not recall if Sgt. Barnett did so.

Stop Reports were not prepared for § 87(2)(b) or the other individual that Sgt. Barnett and PO Antoniadis approached (Board Review 22).

An officer may stop, detain, and question an individual if he or she has reasonable suspicion that the individual has committed, is committing, or is about to commit a crime, People v. DeBour, 40 N.Y.2d 210 (1976) (Board Review 10). An officer may frisk an individual when he reasonably suspects that the individual is armed and dangerous, Id. An officer must have probable cause to believe that a person has committed, is committing, or is about to commit a crime to search a person, Id.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

**Allegation (G) Abuse of Authority: On Ocean Avenue and Caton Avenue, in Brooklyn, Detective Bennett Shelley stopped § 87(2)(b)**

Once § 87(2)(b) saw Sgt. Barnett and PO Antoniadis approach § 87(2)(b) and the other two males, § 87(2)(b) walked in the opposite direction towards East 21<sup>st</sup> Street (Board Review 01). § 87(2)(b) denied placing his hands inside his pockets. During a follow up call, § 87(2)(b) denied going towards any mailboxes (Board Review 06). An officer, identified via the investigation as Det. Shelley, followed § 87(2)(b) in the police vehicle traveling on Caton Avenue towards East 21<sup>st</sup> Street. § 87(2)(b) heard Det. Shelley yelling at him, but he did not hear what Det. Shelley was saying. Once § 87(2)(b) was in the middle of the block, § 87(2)(b) ran and Det. Shelley chased him with the vehicle. § 87(2)(b) made a right on East 21<sup>st</sup> Street, stopped in the middle of East 21<sup>st</sup> Street and turned around to run towards Caton Avenue. § 87(2)(b) stated that the police vehicle continued to follow him on East 21<sup>st</sup> Street heading towards Church Avenue. § 87(2)(b) was eventually apprehended on Lenox Road. § 87(2)(b) denied dropping anything or throwing anything away as he ran from the officers and he also stated that his hands were never in his pockets.

§ 87(2)(b) did not provide a statement regarding what he observed between Det. Shelley and § 87(2)(b). As noted above, without additional information, the investigation was unable to identify the two other individuals they were with.

In his CCRB statement, Det. Shelley stated that he saw § 87(2)(b) walk in the opposite direction as three of the other individuals he was initially walking with and then he walked behind a mailbox (Board Review 02). Det. Shelley did not notice § 87(2)(b)'s hands as he walked behind the mailbox. As § 87(2)(b) stood behind the mailbox, Det. Shelley believed that § 87(2)(b) was reaching towards the area where a door would normally be on the mailbox because § 87(2)(b)'s shoulders were raised. Det. Shelley did not see if § 87(2)(b) was holding anything. Det. Shelley believed that § 87(2)(b) tried to put something in the mailbox. Aside from his aforementioned observations, there was nothing else that led him to believe that § 87(2)(b) was trying to conceal something in the mailbox. At this point, Det. Shelley drove towards § 87(2)(b) to ask him what he was doing behind the mailbox because he left his friends and hid behind the mailbox as if he was concealing something. Det. Shelley stated that he did not see any of the males committing any crimes at this point and he did not know if they had committed any crimes. As Det. Shelley moved his vehicle closer, § 87(2)(b) began walking away quickly. Det. Shelley saw § 87(2)(b)'s right hand inside his hoodie or jacket pocket and it appeared as if § 87(2)(b) was holding an object in his waistband with his right hand. Det. Shelley stated that he knew § 87(2)(b) was grabbing an object because when he moved his right hand to the left while it was in his pocket, his pants moved with the pocket. Det. Shelley stated that § 87(2)(b) appeared to be holding something because of the way his wrist was bent downwards in an unnatural position with his palms facing towards himself inside his outwear pocket by the front of his waistband. Det. Shelley was not able

to see any part of § 87(2)(b)'s hand, but from the outline of the pocket he was able to see that § 87(2)(b)'s hand was not formed into a fist. Det. Shelley did not see any additional shapes or bulges from the outline of § 87(2)(b)'s pocket and he denied seeing an outline of a gun. As Det. Shelley pulled up alongside § 87(2)(b) on § 87(2)(b)'s left side, Det. Shelley asked, "What happened? Are you alright? I just saw you leave your friends over there." § 87(2)(b) turned his body more towards the right so that Det. Shelley's view was mostly of § 87(2)(b)'s back. As § 87(2)(b) bladed his body, Det. Shelley saw that § 87(2)(b)'s hand was still inside the same pocket by his waistband. § 87(2)(b) subsequently held up a "Tropicana" bottle and said, "Oh, I just got this." Det. Shelley stated that he did not see where § 87(2)(b) got the bottle from. Det. Shelley continued to follow § 87(2)(b) because he believed § 87(2)(b) was concealing a firearm because § 87(2)(b) hid behind a mailbox, walked away from him, pulled out an orange juice bottle to divert his attention, and he turned his body away from him without letting go of the object. Det. Shelley stated that he would normally get out and walk around to see, but because he was alone at the time he did not want to get out of his vehicle in case § 87(2)(b) was carrying a firearm. At this point, Det. Shelley's intention was to stop § 87(2)(b) and check to see if there was a firearm. § 87(2)(b) was not considered under arrest at this point. § 87(2)(b) subsequently fled and dropped the bottle. As § 87(2)(b) ran, his right hand remained clutched inside his outerwear pocket. Det. Shelley followed § 87(2)(b) in his vehicle and he eventually pulled alongside § 87(2)(b) and told him to stop. During the chase, Det. Shelley temporarily lost sight of § 87(2)(b) and eventually caught up to him on Lenox Road. Prior to apprehending § 87(2)(b) Det. Shelley informed Sgt. Barnett and PO Antoniades that he thought § 87(2)(b) had a gun in his pants.

In their CCRB testimony, Sgt. Barnett and PO Antoniades both stated that they also saw § 87(2)(b) walk towards a mailbox as his friends walked away from him. PO Antoniades stated that he saw § 87(2)(b) grab the right side of his waistband, above his clothing, with both hands and moved his hands forwards and backward, but PO Antoniades could not see what § 87(2)(b) was moving with his hands (Board Review 05). Once behind the mailbox, PO Antoniades had a view of § 87(2)(b)'s left hand, which remained on his waistband, and Sgt. Barnett only had a view of the area above § 87(2)(b)'s chest. PO Antoniades did not see the handle of the mailbox, but he knew § 87(2)(b) was pulling on the handle because § 87(2)(b) was tugging back and forth in the area where the handle would normally be. PO Antoniades stated that § 87(2)(b)'s actions of grabbing his waistband, stepping behind a mailbox, tugging on the mailbox door, and running from Det. Shelly led him to believe that § 87(2)(b) had a firearm. There were no additional reasons as to why he believed that § 87(2)(b) had a firearm.

In his CCRB statement, Sgt. Barnett stated that he saw § 87(2)(b)'s shoulders move up and down which made him believe that § 87(2)(b) was taking something or moving something in front of his body by his waistband area (Board Review 04). Sgt. Barnett saw § 87(2)(b) change directions as Det. Shelley approached him with the police vehicle. Sgt. Barnett did not recall if he saw § 87(2)(b)'s hands when he initially walked away from the mailbox, but he was able to see § 87(2)(b)'s left side of his body. Sgt. Barnett stated that § 87(2)(b) placed one of his hands inside his jacket, possibly his front waistband area, as he began to run. Sgt. Barnett could not tell if § 87(2)(b) was holding anything and he denied seeing § 87(2)(b)



§ 87(2)(b) dropping or throwing anything away. Sgt. Barnett stated that § 87(2)(b)'s actions of running while placing his hand inside his pocket was indicative of someone concealing or holding a weapon. In his interview, Sgt. Barnett clarified that he did not know if § 87(2)(b)'s hand was inside his pocket, but he was able to see that it was in front of him. As § 87(2)(b) ran, one of his arms was swinging back and forth while his other arm was not moving. Sgt. Barnett had a view of the left side of § 87(2)(b) body which Sgt. Barnett interpreted as § 87(2)(b) holding a firearm or "something." Sgt. Barnett could not see if § 87(2)(b) was holding anything at the time.

The Stop report prepared by Det. Shelley was consistent with his CCRB testimony regarding separating himself from his friends, then grabbing an object in his right hoodie pocket by his waistband, and then fleeing (Board Review 14).

The summary in the ISAR was consistent with Det. Shelley's CCRB testimony regarding the observations he made prior to pursuing § 87(2)(b) (Board Review 17). Furthermore, it was noted that video footage was recovered from 100 21<sup>st</sup> Street showing § 87(2)(b) fleeing from the officers and § 87(2)(g) holding an unknown object on the right side of his waistband. The investigation obtained the video footage attached to the report (Board Review 12). § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Furthermore, the Assistant District Attorney noted that Det. Shelley did not observe § 87(2)(b) commit any crime § 87(2)(g)

§ 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

**Allegation (H) Force: At 70 Lenox Road, in Brooklyn, Police Officer John Antoniades used physical force against § 87(2)(b)**

It is undisputed that § 87(2)(b) ran from the officers and that when PO Antoniades caught up to him PO Antoniades took him down to the ground.

In his CCRB statement, § 87(2)(b) stated that once PO Antoniades caught up to him on Lenox Road, PO Antoniades grabbed his shoulders by his clothing and § 87(2)(b) stopped (Board Review 01). § 87(2)(b)'s arms were extended in front of his body and he denied moving or trying to get away at this point. § 87(2)(b) felt his body jerk to the right and was thrown against a gate which was approximately four to five feet away. § 87(2)(b) face hit

the gate and he landed on the ground. § 87(2)(b) sustained a laceration to his right cheek and upper lip. PO Antoniades rear cuffed § 87(2)(b) while he was still on the ground.

§ 87(2)(b)'s friends were not present during this allegation.

In his CCRB testimony, PO Antoniades stated that as they turned onto Lenox Road, he and the officers identified themselves as police and told § 87(2)(b) to stop (Board Review 05). In response, § 87(2)(b) grabbed the right side of his waistband and ran. PO Antoniades exited the vehicle, chased after § 87(2)(b) and told § 87(2)(b) "Police, stop." PO Antoniades caught up to § 87(2)(b) and grabbed his left shoulder from the back. In response, § 87(2)(b) attempted to spin his entire body out of PO Antoniades' grip and they both fell to the ground because it was raining at the time and the ground was slippery. PO Antoniades fell next to § 87(2)(b). PO Antoniades did not see if § 87(2)(b) hit anything when he fell. PO Antoniades denied throwing § 87(2)(b) to the ground or against the fence. PO Antoniades did not see how § 87(2)(b) sustained a laceration to his cheek and lip, but he observed the injuries while they were both on the ground.

In his CCRB statement, Sgt. Barnett stated that when PO Antoniades caught up to § 87(2)(b) PO Antoniades grabbed § 87(2)(b) by his back shoulder and then they both went down to the ground (Board Review 04). § 87(2)(b) was still running and had his hand in front of him when PO Antoniades grabbed him. When asked if he saw what caused them to go to the ground, Sgt. Barnett stated, "They fell." Sgt. Barnett denied seeing PO Antoniades pulling § 87(2)(b) to the ground or seeing PO Antoniades throwing § 87(2)(b) against a gate or a fence.

Det. Shelley stated that when he approached § 87(2)(b) and PO Antoniades, they were both already on the ground and he did not see when they first went to the ground or see § 87(2)(b) making contact with any objects in the vicinity (Board Review 03).

The handwritten TRI report prepared by PO Antoniades did not note any force that was used against § 87(2)(b) (Board Review 15). However, in the computerized TRI, entered by Sgt. Alexander Rapp, noted that PO Antoniades forcibly took § 87(2)(b) to the ground and he sustained an abrasion to his cheek and lip during the fall requiring stitches (Board Review 16).

In the summary of the ISAR, it was noted that PO Antoniades forcibly took § 87(2)(b) to the ground (Board Review 17).

According to § 87(2)(b)'s medical records § 87(2)(b) § 87(2)(b) was diagnosed with lacerations and abrasions to his right cheek and upper lip (Privileged). § 87(2)(b)'s statement to the medical personnel was consistent with his CCRB statement regarding how he sustained the injuries.

NYPD Patrol Guide Procedure 221-01 states that force may be used when it is reasonable to ensure the safety of a member of the service or otherwise protect life, or when it is reasonable to place person in custody or prevent escape from custody (Board Review 21).

§ 87(2)(b), § 87(2)(g)

**Allegation (I) Abuse of Authority: At 70 Lenox Road, in Brooklyn, Police Officer John Antoniades searched** § 87(2)(b)

**Allegation (J) Abuse of Authority: At 70 Lenox Road, in Brooklyn, Detective Bennett Shelley frisked** § 87(2)(b)

**Allegation (K) Abuse of Authority: At 70 Lenox Road, in Brooklyn, Detective Bennett Shelley searched** § 87(2)(b)

§ 87(2)(b) stated that after he was placed in handcuffs, while still on the ground, PO Antoniades searched him by placing his hand inside all of his pockets (Board Review 01). During his initial CCRB statement, § 87(2)(b) denied having any drugs or weapons on him, but during a follow up phone statement, he stated that the officer who took him down to the ground recovered marijuana from his chest pocket, but he never told the officers that he had marijuana on him (Board Review 06).

§ 87(2)(b)'s friends were not present during these allegations.

In his CCRB testimony, Det. Shelley stated he handcuffed § 87(2)(b) because he believed that § 87(2)(b) had a firearm and for everyone's safety given that § 87(2)(b) fled (Board Review 03). Det. Shelley did not believe § 87(2)(b) was under arrest at this point. Sgt. Barnett stated that § 87(2)(b) was considered to be under arrest for disorderly conduct and obstructing governmental administration (OGA) after he was placed in handcuffs (Board Review 04). Det. Antoniades stated that § 87(2)(b) was under arrest after the marijuana was recovered (Board Review 05).

In their CCRB testimony, Det. Shelley, PO Antoniades, and Sgt. Barnett stated that when § 87(2)(b) was on the ground, § 87(2)(b) told the officers that he had marijuana (Board Review 03-05). Det. Shelley and PO Antoniades stated that § 87(2)(b) denied having a gun, but there was no mentioning of a gun prior to § 87(2)(b) making this statement. Sgt. Barnett did not recall if § 87(2)(b) stated where the marijuana was or the quantity, Det. Shelley stated that § 87(2)(b) never said where the marijuana was, and PO Antoniades told the officers where the marijuana was and told them to take it, but he did not recall where.

In his CCRB testimony, Det. Shelley stated that he frisked and searched § 87(2)(b) after he was handcuffed because § 87(2)(b) said he had marijuana on him and he believed § 87(2)(b) was carrying a firearm (Board Review 03). Det. Shelley did not observe any bulges on § 87(2)(b). Det. Shelley frisked "everywhere" because § 87(2)(b) stated that he had

marijuana and he grabbed the area around § 87(2)(b)'s waistband. Det. Shelley believed that he went inside § 87(2)(b)'s pockets, but he did not recall which pockets he went inside. Det. Shelley recovered marijuana from § 87(2)(b)'s chest pocket. Det. Shelley did not know if he went inside any other pockets. Keys, a phone, and headphones were recovered from his pockets and vouchered, but he did not know where he recovered each item from. Det. Shelley frisked § 87(2)(b)'s waistband and he did not find anything. Det. Shelley never determined what § 87(2)(b) was holding by his waistband.

PO Antoniades did not recall if the marijuana was located in the area where § 87(2)(b) was initially grabbing on his waistband (Board Review 05). PO Antoniades did not recall who frisked § 87(2)(b) but one of the officers frisked the area that § 87(2)(b) was initially grabbing on his waistband and the area where § 87(2)(b) said he had marijuana. PO Antoniades did not recall who recovered the marijuana, but the marijuana was recovered § 87(2)(b) from the area that § 87(2)(b) said he had it in while he was still on the ground. PO Antoniades stated that one of the officers also removed a cellphone and a wallet from § 87(2)(b)'s waistband area but he did not recall who did so.

Sgt. Barnett did not recall if anyone frisked § 87(2)(b) or entered his pockets when he was on the ground (Board Review 04). Sgt. Barnett denied frisking or searching § 87(2)(b) at any point. Either Det. Shelly or PO Antoniades frisked and searched § 87(2)(b) but he did not recall which officer did so. Sgt. Barnett stated that he believes that § 87(2)(b) was frisked and searched after he said he had marijuana on him. Sgt. Barnett did not recall where on § 87(2)(b)'s body the officer frisked and searched. Marijuana was recovered as a result of the frisk and search. Sgt. Barnett did not recall where the marijuana was found. At some point, an officer informed Sgt. Barnett that they had frisked or searched § 87(2)(b)'s waistband and it yielded negative results, but he did not see this.

Det. Shelley, PO Antoniades, and Sgt. Barnett affirmed that a canvass for a firearm was conducted, but a firearm was never recovered on § 87(2)(b) or on the scene.

The Stop Report noted that § 87(2)(b) was frisked because of an object observed suspected of being weapon and flight from officers (Board Review 14). It was noted in the report that a search was conducted incident to lawful arrest and marijuana was recovered.

In the ISAR report, it was documented § 87(2)(b) was interviewed § 87(2)(b) he stated that he “only had weed” and that he ran because he was scared (Board Review 17).

The Property Voucher associated with § 87(2)(b)'s arrest noted that marijuana was recovered and vouchered from § 87(2)(b) (Board Review 18).

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(g), § 87(4-b)

### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) and § 87(2)(b) have been a party (Board Review 07 and 08).
- Det. Shelley has been a member of the CCRB for 10 years and has been a subject in 17 CCRB complaints and 32 allegations, of which three were substantiated:
  - 201002667 involved a substantiated allegation of a frisk. The Board recommended Charges and the NYPD imposed Instructions.
  - 201502152 involved substantiated allegations of frisks against Det. Shelley. The Board recommended Charges and following a trial, the NYPD imposed a forfeiture of two vacation days.
  - § 87(2)(g)
- PO Antoniadis has been a member of service for five years and has been a subject in two CCRB complaints and four allegations, none of which were substantiated. § 87(2)(b)

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§ 87(2)(g)

- Sgt. Barnett has been a member of service for 21 years and has been a subject in 11 CCRB complaints and 26 allegations, of which one was substantiated:
  - 201015749 involved a substantiated allegation of an entry and search of premises against Sgt. Barnett. The Board recommended Charges and the NYPD imposed Instructions.
  - § 87(2)(g)

### **Mediation, Civil and Criminal Histories**

- This complaint was not suitable for mediation.
- § 87(2)(b) filed a Notice of Claim with the City of New York claiming permanent physical pain, mental anguish, loss of quality of life, future pain and suffering, future medical bills, future diminution of income, compensatory damages, and punitive damages and is seeking \$5,000,000 as redress (Board Review 21). On January 14, 2018, an email was sent to the New York City Office of the Comptroller to determine whether a 50H Hearing was held. To date, the results are pending.
- § 87(2)(b)
- Without additional information, OCA searches of § 87(2)(b) could not be completed.

Squad No.: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date